

State lawmakers must restore charter-school funding

Originally published October 6, 2015 at 1:03 pm Updated October 6, 2015 at 2:16 pm

It's puzzling that six Supreme Court justices would throw out the state's public charter school system because its funding was commingled with constitutionally dedicated funds.

By [Chad Magendanz](#)

Special to The Times

There is no greater responsibility for our state than to provide a quality public-education system for its students. It is also a state constitutional mandate.

This has been a historic year for our public-education system. State lawmakers passed an operating budget that boosted K-12 education spending by a record 19 percent, including \$1.3 billion for smaller K-3 class sizes, full-day kindergarten and materials, supplies and operations. Teachers also received raises.

Part of our public-education system includes charter schools. Voters established these schools by passing Initiative 1240 in 2012. These schools, despite some growing pains, are producing positive results for students similar to what we've seen in 41 other states.



Rep. Chad Magendanz

Unfortunately, the state [Supreme Court recently ruled](#) our public charter schools are unconstitutional. In a controversial 6-3 ruling, it said these schools cannot receive public funding because they are not run exactly the same as other schools. The court went a step further and threw our entire public charter school system out.

Related guest opinion: [State erred in how it funded charter schools](#)

Essentially, the court equated uniform funding with a uniform way of providing education, which has never been the way our state — or others — has approached education. Our state has a variety of programs — including tribal schools, technical schools and a School for the Deaf, to name a few — to meet the diverse needs of its students. These programs have different costs, requirements and governance structures.

The court's complicated and overly technical ruling, based on a precedent from 1909, would put all of these programs in jeopardy if taken to its logical conclusion. Imagine what would happen to the students of these programs if they were shuttered.

It is egregious and puzzling that six justices would conclude our state should throw out its entire public charter school system because its funding source has been commingled with constitutionally dedicated funds. The minority opinion properly understood that our public charter schools, just like other aspects of government, could continue to exist even without dedicated funding.

In fact, most government programs exist independent of specific funding. The operational aspects of a program are typically put into law, but a budget must pass to fund them. These laws and programs would not go away, but they would not operate if there was no money appropriated. They should also not be declared unconstitutional simply because they don't have their own dedicated funding source.

The court's ruling is flawed, disruptive and unfair to families who deserve more choices when it comes to public education. It illustrates why judges shouldn't legislate from the bench and reminds us of the importance of the budgeting process being left up to state lawmakers.

If this seems like partisan analysis, please know that the last five Washington attorneys general — Democrats and Republicans — have said the court's ruling is wrong.

Attorney General Bob Ferguson deserves credit for filing a motion for reconsideration asking the court to re-examine its ruling. In this motion, he says the ruling "goes beyond what is necessary to resolve this case, creates tension with other decisions of this court, and calls into question programs far beyond charter schools."

It is refreshing to see leaders on both sides of the political aisle standing up to defend our public charter schools and the at-risk students who benefit the most from their innovative approaches to education.

The best-case scenario would be for the court to change its ruling following the motion for reconsideration. If not, state lawmakers must restore what the court has torn down. If bipartisanship and fairness prevail over special interests, I'm confident we can find a balanced solution for our public charter schools.

Rep. Chad Magendanz, R-Issaquah, is the ranking Republican on the House Education Committee.